

5/21/02 VACATION OF UTILITY ESEMENTS –  
LOTS 1 & 2, BLK 2 SOUTHDALE PARK  
2<sup>ND</sup> OFFICE ADDITION

**Smead.**  
UPC 10334  
No. 2-153L  
MAINTENANCE 981



4/3/02 Received ap - gave to Eng - needed  
graphics  
4/10/02 Set hearing for 5/21/02 Res 2002-41  
4/17/02 - Notices prepared + sent to Edna San Account  
4/29/02 - Utility letter sent back by 5/14/02  
5/3/02 - Received Quest  
5/7/02 Received Xcel  
5/10/02 Mailed hearing notices  
5/10/02 Posted Notice via PD

12-15  
**THIS DOCUMENT  
IS REGISTERED**

**TRANSFER ENTERED**  
HENNEPIN COUNTY TAXPAYER SERVICES

OCT 18 2002

BY [Signature] DEPUTY  
HENNEPIN COUNTY MINN.

OFFICE OF THE REGISTRAR  
OF TITLES  
HENNEPIN COUNTY, MINNESOTA  
CERTIFIED FILED ON

OCT 18 2002

[Signature] 2:00 PM  
REGISTRAR OF TITLES  
[Signature] DEPUTY

3618113

SCANNED  
10/19/25

3618113

**NOTICE OF COMPLETION OF PROCEEDINGS ON VACATION OF  
PUBLIC STREET RIGHT-OF-WAY (CIRCLE WEST)  
PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on June 4, 2002, adopted a Resolution Vacating the Easement for Public Utilities after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for public utility purposes reserving utility right for Excel Energy on Easement Document Nos. 453941 and 514203:

1. That part of the easement for utilities filed as Document No. 453941, which lies within Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
2. That part of the easement for utilities filed as Document No. 514203, which lies within Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
3. That part of the easement for sanitary sewer filed as Document No. 586307, which lies within Lot 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
4. That part of the easement for sanitary sewer filed as Document No. 641867, which lies within Lot 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.

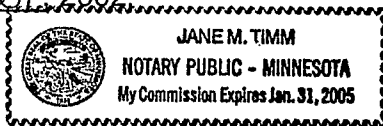
The time of completion of proceedings and the effective date of said vacation is 4th day of June 2002.

BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

[Signature]  
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this  
25 day of September, 2002

This document was drafted by:  
City of Edina  
4801 West 50th Street  
Edina, MN 55424  
59-9785C - BL



[Signature]  
Notary Public



City of Edina

September 24, 2002

Mr. Larry M. Wertheim  
Kennedy & Graven  
470 Pillsbury Center  
200 South Sixth Street  
Minneapolis, MN 55402

RE: Notice of Completion for street vacation – Rovick Realty Limited Property

Dear Jerry:

I am enclosing two Notices of Completion for a vacation the City Council approved on June 4, 2002. Wayne Houle, Edina City Engineer, indicated you would like to handle recording the vacation notice of completion. Please have the Notice of Completion entered in the transfer record of the county Auditor and filed with the County Recorder and then return the recorded documents to me.

If you need further documents or assistance, please call. Thank you for your cooperation.

Sincerely,

  
Debra A. Mangen  
City Clerk

Enclosures: (2)

**NOTICE OF COMPLETION OF PROCEEDINGS ON VACATION OF  
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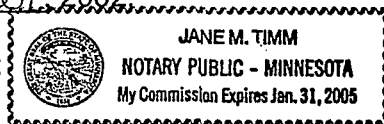
The time of completion of proceedings and the effective date of said vacation is 4th day of June 2002.

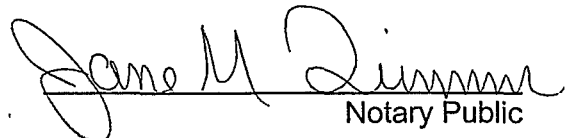
BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

  
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this  
25 day of September, 2002.

This document was drafted by:  
City of Edina  
4801 West 50th Street  
Edina, MN 55424



  
Notary Public



## MEMORANDUM

CITY OF EDINA

DATE: September 9, 2002

TO: Deb Mangan

FROM: Wayne Houle 

SUBJECT: Resolution No. 2002-46

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The easement relating to the vacation of easements on this property has been recorded with Hennepin County. During the new easement preparation process the landowner requested that we delete the statement on the vacation resolution stating " BE IT FURTHER RESOLVE that the vacation of the easements is conditioned upon the prop.....and water systems."

Please revise the resolution and either forward this on to Larry Wertheim or First American Title Company, Attention Rod Ives for recording; or I can forward this on.

Thanks

- ① Amend Notice to remove Contingency
- ② Send Kennedy & Groen.  
Larry Wertheim



470 Pillsbury Center  
200 South Sixth Street  
Minneapolis MN 55402  
(612) 337-9300 telephone  
(612) 337-9310 fax  
<http://www.kennedy-graven.com>

LARRY M. WERTHEIM  
Attorney at Law  
Direct Dial (612) 337-9216  
Email: [lwertheim@kennedy-graven.com](mailto:lwertheim@kennedy-graven.com)

August 30, 2002

Wayne Houle  
City of Edina  
4801 W. 50<sup>th</sup> Street  
Edina MN 55424

Jerome Gilligan  
Dorsey & Whitney LLP  
Suite 1500  
50 South Sixth Street  
Minneapolis, MN 55402

Re: Rovick Realty Limited Liability Partnership-Cornelia Place Apartments  
West 65<sup>th</sup> Street and Valley View Road  
Our File No. RV105-3

Dear Sirs:

I am enclosing herewith a copy of the recorded Easement for Drainage and Utility Purposes regarding the above-referenced property. Pursuant to the City's letter to my client, the City agreed to execute and deliver a certified copy of Resolution No. 2002-46, dated June 4, 2002, vacating certain utility easements on the above-described property upon receipt of evidence of recording of the enclosed easement. In addition, the letter indicated that the City would endeavor to issue a certified copy of a revised resolution deleting the reference in Resolution No. 2002-46 to such resolution being conditioned upon the owner's rededication of easements. I ask that you forward such resolution to me for recording by our title company or you can send it directly to First American Title Insurance Company, Attention Rod Ives. Please call me if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry M. Wertheim". The signature is fluid and stylized, with a large loop at the end. Below the signature, the name "Larry M. Wertheim" is printed in a standard font.

LMW:gak

Enc.

cc: Craig Alshouse (w/o enc.)  
Rod Ives (w/o enc.)

LMW-219910v1  
RV105-3

3586152

COPY

COPY

TRANSFER ENTERED  
HENNEPIN COUNTY TAXPAYER SERVICES

AUG - 8 2002

HENNEPIN COUNTY MINN.  
DEPUTY

BY \_\_\_\_\_ DEPUTY

REGISTRAR OF TITLES

AUG - 8 2002

OFFICE OF THE REGISTRAR  
OF TITLES  
HENNEPIN COUNTY, MINNESOTA  
CONTRACT FILED ONEASEMENT FOR DRAINAGE AND UTILITY PURPOSES

THIS INSTRUMENT is made this 6<sup>th</sup> day of August, 2002, by and between **Rovick Realty Limited Liability Partnership**, a limited liability partnership under the laws of the State of Minnesota ("Rovick"), and the **City of Edina**, a municipal corporation organized under the laws of the State of Minnesota (the "City").

## RECITALS

A. Rovick is the fee owner of certain real property described on Exhibit A, attached hereto and made a part hereof (the "Property");

B. The City is relocating certain utilities and drainage facilities affecting the Property and, as a result, requires an easement over said Property to perform this said relocation and any related future maintenance, repair or replacement; and

C. Rovick wishes to create a non-exclusive, perpetual easement for utility and drainage purposes over, under, across, and through a portion of the Property in favor of the City and more fully described on Exhibit B, attached hereto and made a part hereof (the "Easement").

## AGREEMENT

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Granting of Easement. Rovick does hereby grant, bargain, sell, convey and warrant to the City the non-exclusive, perpetual Easement described on Exhibit B for the purpose of



constructing, relocating, maintaining, repairing, and replacing utility services and drainage facilities.

2. Construction, Maintenance, Repair, and Replacement. Rovick hereby grants the City the right to enter the Property to construct utilities and drainage facilities within the Easement. The City shall thereafter maintain such utilities and drainage facilities in good condition and repair, and may enter the Property and the Easement as necessary for such purposes. Except in the event of an emergency, the City shall provide Rovick five days prior notice before undertaking any construction, maintenance, repair or replacement of such utilities or drainage facilities. In the event of an emergency, the City shall provide such notice as is reasonable under the circumstances. At any and all times during which the City undertakes said construction, maintenance, repair or replacement, the City shall not unreasonably interfere with the use of the Property by Rovick, its employees, customers, or invitees. Unless otherwise agreed by the parties in writing, all costs of any such maintenance, repair or replacement shall be borne exclusively by the City. Any act of construction, maintenance, repair or replacement performed on the Property or on the Easement by the City shall be performed in a good and workmanlike manner, free from fault, defects and liens, pursuant to sound engineering practices and in compliance with all applicable governmental requirements.

3. Improvements. Rovick shall not make or cause to be made any improvements in, under, over or around the Easement that may unreasonably interfere with the City's use of the Easement for the above-described purposes.

4. Future Conveyances; Covenants Running With the Land. The Easement set forth in this agreement shall be incorporated by reference in all future conveyances, mortgages, assignments and other transfers of the Property; provided, however, that notwithstanding any failure to incorporate the Easement herein granted by reference, the Easement will run with the title to the Property.

5. Successors and Assigns. The Easement is binding upon and inures to the benefit of Rovick and the City, and their respective successors and assigns.

6. Entire Agreement. This instrument contains all the agreements and understandings of the parties hereto concerning the matters that are the subject of this instrument. Any modification hereto shall be of no force and effect unless it is made in writing, signed by both parties hereto, and filed for record in the Office of the County Recorder, Hennepin County, Minnesota.

7. Governing Law. This instrument shall be governed by the laws of the State of Minnesota.

IN WITNESS WHEREOF, Rovick has caused this instrument to be duly executed the day and year first above written.

Rovick Realty Limited Liability Partnership

By: Roger Rovick

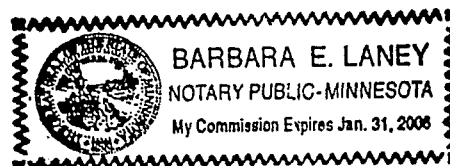
Its: Partner

STATE OF MINNESOTA )  
 )ss  
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of August, 2002, by Roger Rovick the Partner of Rovick Realty Limited Liability Partnership, a limited liability partnership of the State of Minnesota on behalf of the limited liability partnership.

Barbara E. Laney  
Notary Public

This instrument was drafted by:  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424



**Exhibit A**

**Legal Description of the Property**

Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota

## Exhibit B

### **Legal Description of the Easement**

A 16.00 foot wide strip of land over, under and across Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota. The center line of said strip of land is described as commencing at the southeast corner of said Lot 2; thence South 89 degrees 49 minutes 30 seconds West, assumed bearing, along the southerly line of said Lot 2, a distance of 18.56 feet to an angle point in said southerly line of Lot 2; thence North 61 degrees 04 minutes 44 seconds West, along said southerly line of Lot 2, a distance of 18.66 feet to the point of beginning of said center line to be described; thence North 33 degrees 11 minutes 13 seconds East a distance of 30.74 feet; thence North 0 degrees 28 minutes 58 seconds West a distance of 12.29 feet to a point hereinafter referred to as Point "A"; thence continuing North 0 degrees 28 minutes 58 seconds West a distance of 141.54 feet; thence North 48 degrees 27 minutes 21 seconds West a distance of 125.95 feet; thence 0 degrees 25 minutes 30 seconds West a distance of 36.85 feet to the northerly line of said Lot 2 and said center line there terminating. The side lines of said easement shall be prolonged or shortened to terminate at said northerly and southerly lines of said Lot 2.

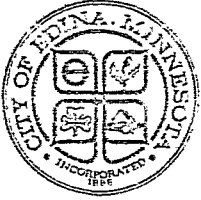
Together with an 18.00 foot wide strip of land over, under and across said Lots 1 and 2. The center line of said strip of land is described as beginning at the above referenced Point "A"; thence South 89 degrees 50 minutes 00 seconds West a distance of 37.30 feet; thence North 65 degrees 10 minutes 29 seconds West a distance of 216.13 feet; thence North 80 degrees 51 minutes 37 seconds West a distance of 166.95 feet to a line hereinafter referred to as Line "A"; thence South 88 degrees 18 minutes 05 seconds West a distance of 117.69 feet to the westerly line of said Lot 1 and said center line there terminating. The side lines of said easement shall be prolonged or shortened to terminate at said westerly line of Lot 1.

Together with a 12.00 foot wide strip of land over, under and across said Lots 1 and 2. The center line of said strip of land is described as beginning at the intersection of said westerly line of Lot 1 with a line 15.00 feet southerly of and parallel with said Line "A"; thence North 88 degrees 18 minutes 05 seconds East, along said parallel line and its easterly extension, a distance of 272.64 feet; thence South 50 degrees 09 minutes 12 seconds East a distance of 106.37 feet to said southerly line of Lot 2 and said center line there terminating. The side lines of said easement shall be prolonged or shortened to terminate at said westerly line of Lot 1 and southerly line of Lot 2.

Together with an easement over, under and across that part of the east 16.00 feet of said Lot 2 which lies northerly of the most southerly 26.00 feet of said Lot 2.

Together with an easement over, under and across the northerly 10.00 feet of said Lot 2.

Together with an easement over, under and across that part of said Lot 2 which lies northeasterly of a line described as commencing at the northeast corner of said Lot 2; thence South 0 degrees 25 minutes 30 seconds East, along the east line of said Lot 2, a distance of 36.83 feet to the point of beginning of the line to be described; thence North 43 degrees 07 minutes 40 seconds West a distance of 94.13 feet to said northerly line of said Lot 2 and said line there terminating.



August 5, 2002

City of Edina

Rovick Realty Limited Liability Partnership  
C/o Larry M. Wertheim  
Kennedy & Graven, Chartered  
470 Pillsbury Center  
Mpls. MN. 55402

By US Mail and Fax 612-337-9310

Rod Ives  
First American Title  
1900 Midwest Plaza  
801 Nicollet Mall  
Mpls MN 55402

By US Mail and Fax 612-305-2029

Re: Cornelia Place Apartments  
West 65<sup>th</sup> Street and Valley View Road

Dear Sirs:

Please be advised that upon execution and recording of the Easement for Drainage and Utility Purposes from Rovick Realty Limited Liability Partnership to the City of Edina in the form attached hereto as Exhibit A (or evidence of recording thereof provided by First American Title), the City of Edina will execute and deliver to you for recording a certified copy of Resolution No. 2002-46, dated June 4, 2002, vacating certain utility easements on the above-described property. The attached document satisfies the condition in the resolution. In addition, upon compliance with the foregoing, the City will endeavor to issue a certified copy of a revised resolution deleting the reference in Resolution No. 2002-46 to such resolution being conditioned upon the owner's rededication of easements.

Sincerely,

Wayne D. Houle, PE  
Director of Public Works / City Engineer

C: Jerry Gilligan – Dorsey & Whitney, LLP

## EXHIBIT A

### EASEMENT FOR DRAINAGE AND UTILITY PURPOSES

THIS INSTRUMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2002, by and between **Rovick Realty Limited Liability Partnership**, a limited liability partnership under the laws of the State of Minnesota ("Rovick"), and the **City of Edina**, a municipal corporation organized under the laws of the State of Minnesota (the "City").

#### RECITALS

- A. Rovick is the fee owner of certain real property described on Exhibit A, attached hereto and made a part hereof (the "Property");
- B. The City is relocating certain utilities and drainage facilities affecting the Property and, as a result, requires an easement over said Property to perform this said relocation and any related future maintenance, repair or replacement; and
- C. Rovick wishes to create a non-exclusive, perpetual easement for utility and drainage purposes over, under, across, and through a portion of the Property in favor of the City and more fully described on Exhibit B, attached hereto and made a part hereof (the "Easement").

## AGREEMENT

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Granting of Easement. Rovick does hereby grant, bargain, sell, convey and warrant to the City the non-exclusive, perpetual Easement described on Exhibit B for the purpose of constructing, relocating, maintaining, repairing, and replacing utility services and drainage facilities.

2. Construction, Maintenance, Repair, and Replacement. Rovick hereby grants the City the right to enter the Property to construct utilities and drainage facilities within the Easement. The City shall thereafter maintain such utilities and drainage facilities in good condition and repair, and may enter the Property and the Easement as necessary for such purposes. Except in the event of an emergency, the City shall provide Rovick five days prior notice before undertaking any construction, maintenance, repair or replacement of such utilities or drainage facilities. In the event of an emergency, the City shall provide such notice as is reasonable under the circumstances. At any and all times during which the City undertakes said construction, maintenance, repair or replacement, the City shall not unreasonably interfere with the use of the Property by Rovick, its employees, customers, or invitees. Unless otherwise agreed by the parties in writing, all costs of any such maintenance, repair or replacement shall be borne exclusively by the City. Any act of construction, maintenance, repair or replacement performed on the Property or on the Easement by the City shall be performed in a good and workmanlike manner, free from fault, defects and liens, pursuant to sound engineering practices and in compliance with all applicable governmental requirements.

3. Improvements. Rovick shall not make or cause to be made any improvements in, under, over or around the Easement that may unreasonably interfere with the City's use of the Easement for the above-described purposes.

4. Future Conveyances; Covenants Running With the Land. The Easement set forth in this agreement shall be incorporated by reference in all future conveyances, mortgages, assignments and other transfers of the Property; provided, however, that notwithstanding any failure to incorporate the Easement herein granted by reference, the Easement will run with the title to the Property.

5. Successors and Assigns. The Easement is binding upon and inures to the benefit of Rovick and the City, and their respective successors and assigns.

6. Entire Agreement. This instrument contains all the agreements and understandings of the parties hereto concerning the matters that are the subject of this instrument. Any modification hereto shall be of no force and effect unless it is made in writing, signed by both parties hereto, and filed for record in the Office of the County Recorder, Hennepin County, Minnesota.

7. Governing Law. This instrument shall be governed by the laws of the State of Minnesota.

IN WITNESS WHEREOF, Rovick has caused this instrument to be duly executed the day and year first above written.

Rovick Realty Limited Liability Partnership

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MINNESOTA )  
                                  )ss  
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2002, by \_\_\_\_\_ the \_\_\_\_\_ of Rovick Realty Limited Liability Partnership, a limited liability partnership of the State of Minnesota on behalf of the limited liability partnership.

\_\_\_\_\_  
Notary Public

This instrument was drafted by:  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424



**Exhibit A**

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Together with a 12.00 foot wide strip of land over, under and across said Lots 1 and 2. The center line of said strip of land is described as beginning at the intersection of said westerly line of Lot 1 with a line 15.00 feet southerly of and parallel with said Line "A"; thence North 88 degrees 18 minutes 05 seconds East, along said parallel line and its easterly extension, a distance of 272.64 feet; thence South 50 degrees 09 minutes 12 seconds East a distance of 106.37 feet to said southerly line of Lot 2 and said center line there terminating. The side lines of said easement shall be prolonged or shortened to terminate at said westerly line of Lot 1 and southerly line of Lot 2.

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Together with an easement over, under and across the northerly 10.00 feet of said Lot 2.

Together with an easement over, under and across that part of said Lot 2 which lies northeasterly of a line described as commencing at the northeast corner of said Lot 2; thence South 0 degrees 25 minutes 30 seconds East, along the east line of said Lot 2, a distance of 36.83 feet to the point of beginning of the line to be described; thence North 43 degrees 07 minutes 40 seconds West a distance of 94.13 feet to said northerly line of said Lot 2 and said line there terminating.



## RESOLUTION NO. 2002-46

### VACATION OF UTILITY EASEMENTS SOUTHDALE OFFICE PARK SECOND ADDITION

City of Edina

WHEREAS, a motion of the City Council, on the 16<sup>th</sup> day of April, 2002, fixed a date for a public hearing on a proposed vacation of utility easements; and

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on June 4, 2002, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said vacation be made; and

WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described public utility easements are hereby vacated effective as of June 4, 2002 reserving utility right for Excel Energy on Easement Document Nos. 453941 and 514203:

1. That part of the easement for utilities filed as Document No. 453941, which lies within Lots 1 and 2, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION.
2. That part of the easement for utilities filed as Document No. 514203, which lies within Lots 1 and 2, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION.
3. That part of the easement for sanitary sewer filed as Document No. 586307, which lies within Lot 2, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION.
4. That part of the easement for sanitary sewer filed as Document No. 641867, which lies within Lot 2, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION.

BE IT FURTHER RESOLVED that the vacation of the easements is conditioned upon the proponent rededicating easement over existing and proposed sanitary sewer and water systems.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

Passed and adopted this 4<sup>th</sup> day of June 2002.

ATTEST: \_\_\_\_\_  
City Clerk

Albert F. Metzger  
Mayor

STATE OF MINNESOTA       )  
COUNTY OF HENNEPIN     )SS  
CITY OF EDINA             )

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of June 4, 2002, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Clerk

**NOTICE OF COMPLETION OF PROCEEDINGS ON VACATION OF  
PUBLIC STREET RIGHT-OF-WAY (CIRCLE WEST)  
PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on June 4, 2002, adopted a Resolution Vacating the Easement for Public Utilities after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for public utility purposes reserving utility right for Excel Energy on Easement Document Nos. 453941 and 514203:

1. That part of the easement for utilities filed as Document No. 453941, which lies within Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
2. That part of the easement for utilities filed as Document No. 514203, which lies within Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
3. That part of the easement for sanitary sewer filed as Document No. 586307, which lies within Lot 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
4. That part of the easement for sanitary sewer filed as Document No. 641867, which lies within Lot 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.

BE IT FURTHER NOTED that the vacation of the easements is conditioned upon the proponent rededicating easements over existing and proposed sanitary sewer and water systems.

The time of completion of proceedings and the effective date of said vacation is 4th day of June, 2002.

BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

\_\_\_\_\_  
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

This document was drafted by:  
City of Edina  
4801 West 50th Street  
Edina, MN 55424

\_\_\_\_\_  
Notary Public

*gave copy to Wayne  
7/30/02*

**NOTICE OF COMPLETION OF PROCEEDINGS ON VACATION OF  
PUBLIC STREET RIGHT-OF-WAY (CIRCLE WEST)  
PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on June 4, 2002, adopted a Resolution Vacating the Easement for Public Utilities after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for public utility purposes reserving utility right for Excel Energy on Easement Document Nos. 453941 and 514203:

1. That part of the easement for utilities filed as Document No. 453941, which lies within Lots 1 and 2, Block 2, SOUTHDAL OFFICE PARK SECOND ADDITION.
2. That part of the easement for utilities filed as Document No. 514203, which lies within Lots 1 and 2, Block 2, SOUTHDAL OFFICE PARK SECOND ADDITION.
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4. That part of the easement for sanitary sewer filed as Document No. 641867, which lies within Lot 2, Block 2, SOUTHDAL OFFICE PARK SECOND ADDITION.

BE IT FURTHER NOTED that the vacation of the easements is conditioned upon the proponent rededicating easements over existing and proposed sanitary sewer and water systems.

The time of completion of proceedings and the effective date of said vacation is 4th day of June, 2002.

BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

\_\_\_\_\_  
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

This document was drafted by:  
City of Edina  
4801 West 50th Street  
Edina, MN 55424

\_\_\_\_\_  
Notary Public



## RESOLUTION NO. 2002-46

### VACATION OF UTILITY EASEMENTS SOUTHDALE OFFICE PARK SECOND ADDITION

City of Edina

WHEREAS, a motion of the City Council, on the 16<sup>th</sup> day of April, 2002, fixed a date for a public hearing on a proposed vacation of utility easements; and

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on June 4, 2002, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said vacation be made; and

WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described public utility easements are hereby vacated effective as of June 4, 2002 reserving utility right for Excel Energy on Easement Document Nos. 453941 and 514203:

1. That part of the easement for utilities filed as Document No. 453941, which lies within Lots 1 and 2, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION.
2. That part of the easement for utilities filed as Document No. 514203, which lies within Lots 1 and 2, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION.
3. That part of the easement for sanitary sewer filed as Document No. 586307, which lies within Lot 2, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION.
4. That part of the easement for sanitary sewer filed as Document No. 641867, which lies within Lot 2, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION.

BE IT FURTHER RESOLVED that the vacation of the easements is conditioned upon the proponent rededicating easement over existing and proposed sanitary sewer and water systems.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

Passed and adopted this 4<sup>th</sup> day of June 2002.

ATTEST: \_\_\_\_\_  
City Clerk

Wendy MacGolel  
Mayor

STATE OF MINNESOTA       )  
COUNTY OF HENNEPIN     )SS  
CITY OF EDINA             )

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of June 4, 2002, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Clerk





**RESOLUTION NO. 2001-41  
CALLING FOR PUBLIC HEARING ON VACATION  
UTILITIES EASEMENTS  
SOUTHDAL E OFFICE PARK SECOND ADDITION**

City of Edina

BE IT RESOLVED by the City Council of the City of Edina as follows:

1. It is hereby found and determined that the following described property should be considered for vacation in accordance with the provisions of Minnesota Statutes, Section 160.29 and 462.348, Subd. 7:
2. This Council shall meet at 7:00 P.M. on the 21<sup>st</sup> day of May 2002, for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.
3. The City Clerk is authorized and directed to cause notice of said hearing to be published once a week for two weeks in the Edina Sun-Current, the official newspaper of the City, to post such notice, in at least three public and conspicuous places, as provided in Minnesota Statutes. Such notice shall be in substantially the following form:

(Official Publication)  
CITY OF EDINA  
4801 WEST 50<sup>TH</sup> STREET  
EDINA, MINNESOTA 55424  
NOTICE OF PUBLIC HEARING ON  
VACATION OF UTILITY EASEMENTS  
IN THE CITY OF EDINA  
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on May 21, 2002, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a public hearing for the proposed vacation of the following described utility easements:

**UTILITY EASEMENTS TO BE VACATED**

1. That part of the easement for utilities filed as Document No. 453941 which lies within Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
2. That part of the easement for utilities filed as Document No. 514203 which lies within Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
3. That part of the easement for sanitary sewer filed as Document No. 586307 which lies within Lot 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
4. That part of the easement for sanitary sewer filed as Document No. 641867 which lies within Lot 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.

All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements within the area of the proposed vacation

and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra A. Mangen, City Clerk

Passed and adopted this 16<sup>th</sup> day of April 2002.

Attest: Debra A. Mangen  
Debra A. Mangen, City Clerk

Dennis F. Maetzold  
Dennis F. Maetzold, Mayor

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN)SS  
CITY OF EDINA )

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of April 16, 2002, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Clerk

April 2, 2002  
Legal Descriptions for Easements to be Vacated  
By the City of Edina in Lots 1 & 2, Block 2,  
SOUTHDALE OFFICE PARK SECOND ADDITION  
Hennepin County, Minnesota

EASEMENTS TO BE VACATED

1. That part of the easement for utilities filed as Document No. 453941 which lies within Lots 1 and 2, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION.
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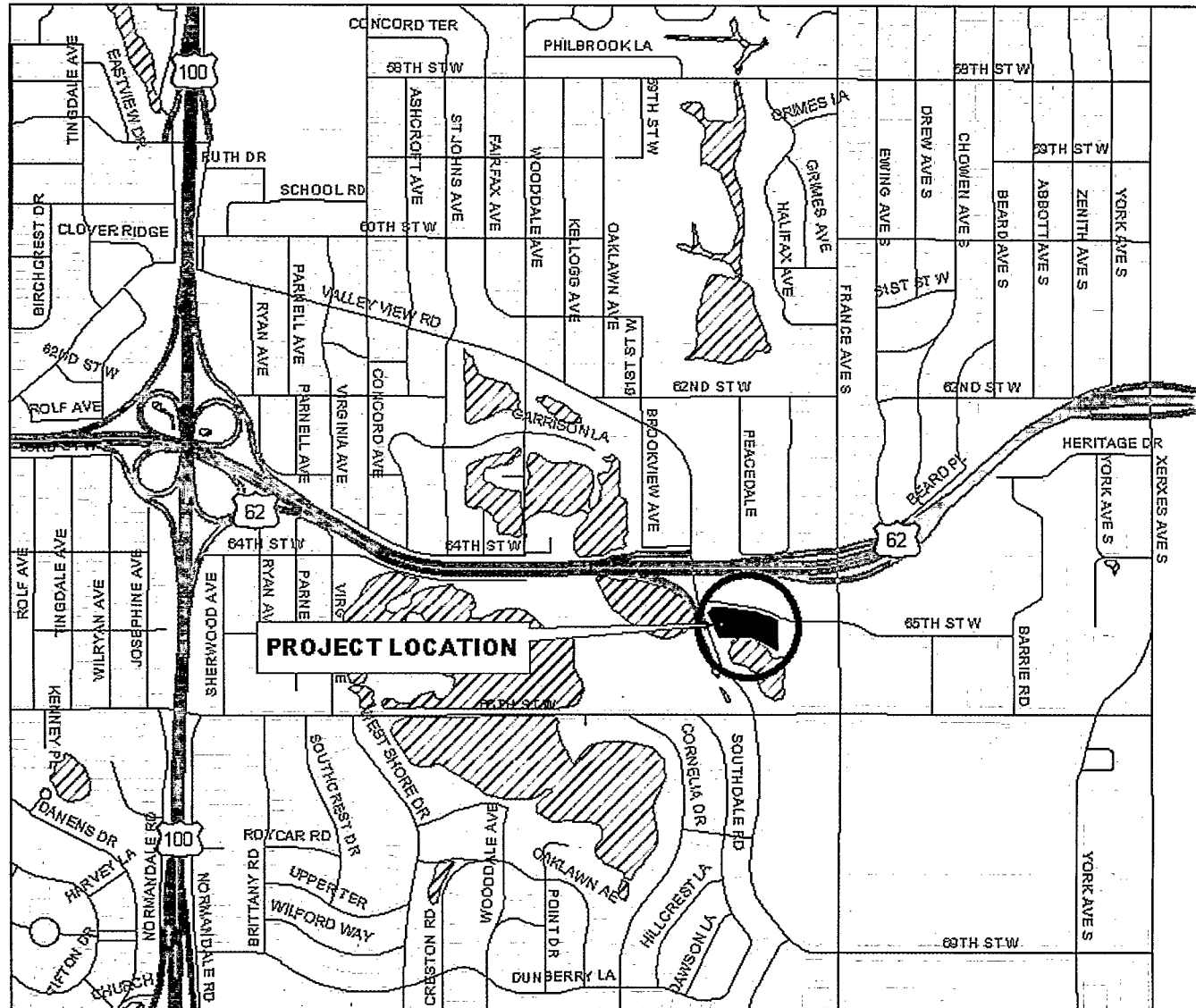
**PUBLIC HEARING  
EASEMENT VACATION**

**4015 West 65<sup>th</sup> Street**

**Edina Realty Building**



# EASEMENT VACATION: 4015 WEST 65<sup>TH</sup> STREET





# **EASEMENT VACATION: 4015 WEST 65<sup>TH</sup> STREET**

## **HISTORY:**

**ROVICK REALTY IS REDEVELOPING SITE  
FROM OFFICE BUILDING TO RESIDENTIAL  
APARTMENT BUILDING.**





**EASEMENT VACATION:  
4015 WEST 65<sup>TH</sup> STREET**

**CONDITIONS:**

**XCEL ENERGY: RETAIN UTILITY RIGHTS ON  
EASEMENT NO'S 453941 &  
514203 (ALONG SOUTH SIDE OF  
PROPERTY)**

**CITY OF EDINA: SUBJECT TO REDEDICATING  
EASEMENTS OVER EXISTING  
SANITARY SEWER AND  
PROPOSED WATER SYSTEM.**



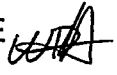


**EASEMENT VACATION:  
4015 WEST 65<sup>TH</sup> STREET**

**RECOMMEND APPROVAL  
VACATION OF EASEMENTS**



## REPORT/RECOMMENDATION

<b>To:</b>	Mayor & City Council	<b>Agenda Item #</b>	<b>II. A.</b>
<b>From:</b>	Wayne D. Houle, PE 	<b>Consent</b>	<input type="checkbox"/>
<b>Date:</b>	June 4, 2002	<b>Information Only</b>	<input type="checkbox"/>
<b>Subject:</b>	Vacation of Utility Easements – Lots 1 and 2, Block 2, Southdale Office Park Second Addition: 4015 West 65 <sup>th</sup> Street	<b>Mgr. Recommends</b>	<input type="checkbox"/> To HRA
		<b>Action</b>	<input checked="" type="checkbox"/> To Council
			<input type="checkbox"/> Motion
			<input checked="" type="checkbox"/> Resolution
			<input type="checkbox"/> Ordinance
			<input type="checkbox"/> Discussion

### Recommendation:

Approve vacation of utility easements as depicted on attached drawing subject to conditions as described below.

### Info/Background:

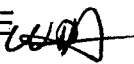
The developer of 4015 West 65<sup>th</sup> Street, the Edina Realty site, is requesting a vacation of the utility easements on this property. The redevelopment of the site is the impetus for these vacations. The following easements shall be vacated:

1. That part of the easement for utilities filed as Document No. 453941 which lies within Lots 1 and 2, Block 2, SOUTHDAL OFFICE PARK SECOND ADDITION.
2. That part of the easement for utilities filed as Document No. 514203 which lies within Lots 1 and 2, Block 2, SOUTHDAL OFFICE PARK SECOND ADDITION.
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4. That part of the easement for sanitary sewer filed as Document No. 641867 which lies within Lot 2, Block 2, SOUTHDAL OFFICE PARK SECOND ADDITION.

These easements are shown on the attached sketch. Reliant and Quest have approved the vacation request. Xcel Energy has approved the request subject to retaining utility rights on Easement Document No.'s 453941 and 514203 along the southerly property line. Time Warner Cable did not respond to this request. The City has reviewed the request and approves the vacation subject to rededicating easements over existing and proposed sanitary sewer and water systems.



## REPORT/RECOMMENDATION

<b>To:</b>	Mayor & City Council	<b>Agenda Item #</b>	<u>II. A.</u>
<b>From:</b>	Wayne D. Houle, PE 	<b>Consent</b>	<input type="checkbox"/>
<b>Date:</b>	May 21, 2002	<b>Information Only</b>	<input type="checkbox"/>
<b>Subject:</b>	Vacation of Utility Easements – Lots 1 and 2, Block 2, Southdale Office Park Second Addition: 4015 West 65 <sup>th</sup> Street	<b>Mgr. Recommends</b>	<input type="checkbox"/> To HRA
		<b>Action</b>	<input checked="" type="checkbox"/> To Council
			<input type="checkbox"/> Motion
			<input checked="" type="checkbox"/> Resolution
			<input type="checkbox"/> Ordinance
			<input type="checkbox"/> Discussion

### Recommendation:

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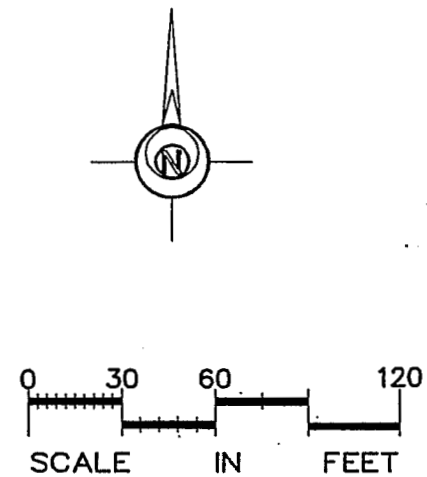
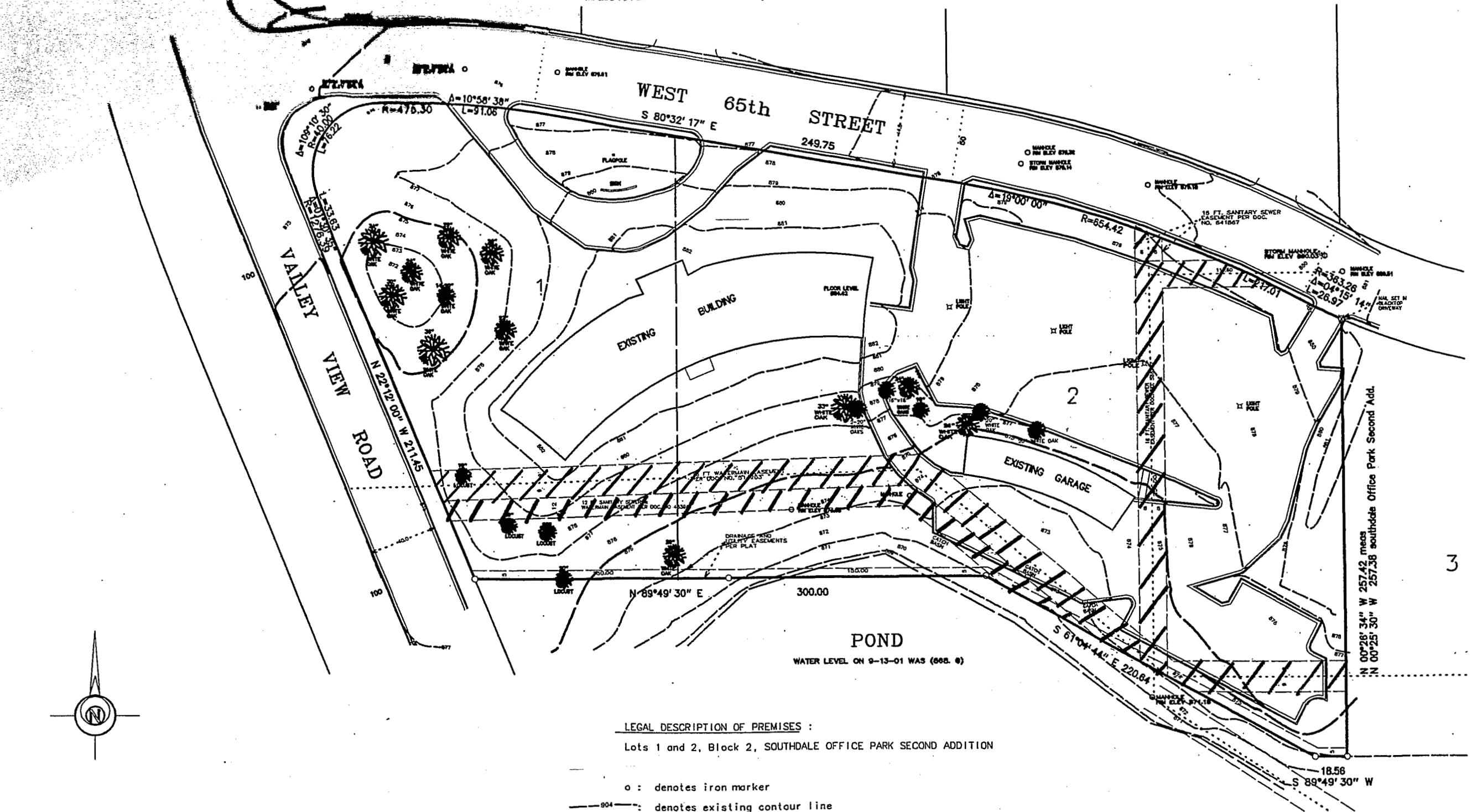
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**CERTIFICATE OF SURVEY FOR**  
**ROVICK REALTY COMPANY**  
**OF LOTS 1 & 2, BLOCK 2, SOUTHALE OFFICE PARK SECOND ADDITION**  
**HENNEPIN COUNTY, MINNESOTA**



**LEGAL DESCRIPTION OF PREMISES :**

Lots 1 and 2, Block 2, SOUTHALE OFFICE PARK SECOND ADDITION

o : denotes iron marker

— 904 — : denotes existing contour line

Datum is based upon information from the City of Edina.

Bearings shown are based upon an assumed datum.

Lot area = 145,310 Sq. ft. (3.34 acres)

This survey shows the boundaries of the above described property, the location of existing buildings, parking areas and elevations, adjoining streets and easements as listed in Chicago Title Insurance Company Commitment No. 338391 dated August 13, 2001. It does not purport to show any other improvements or encroachments.

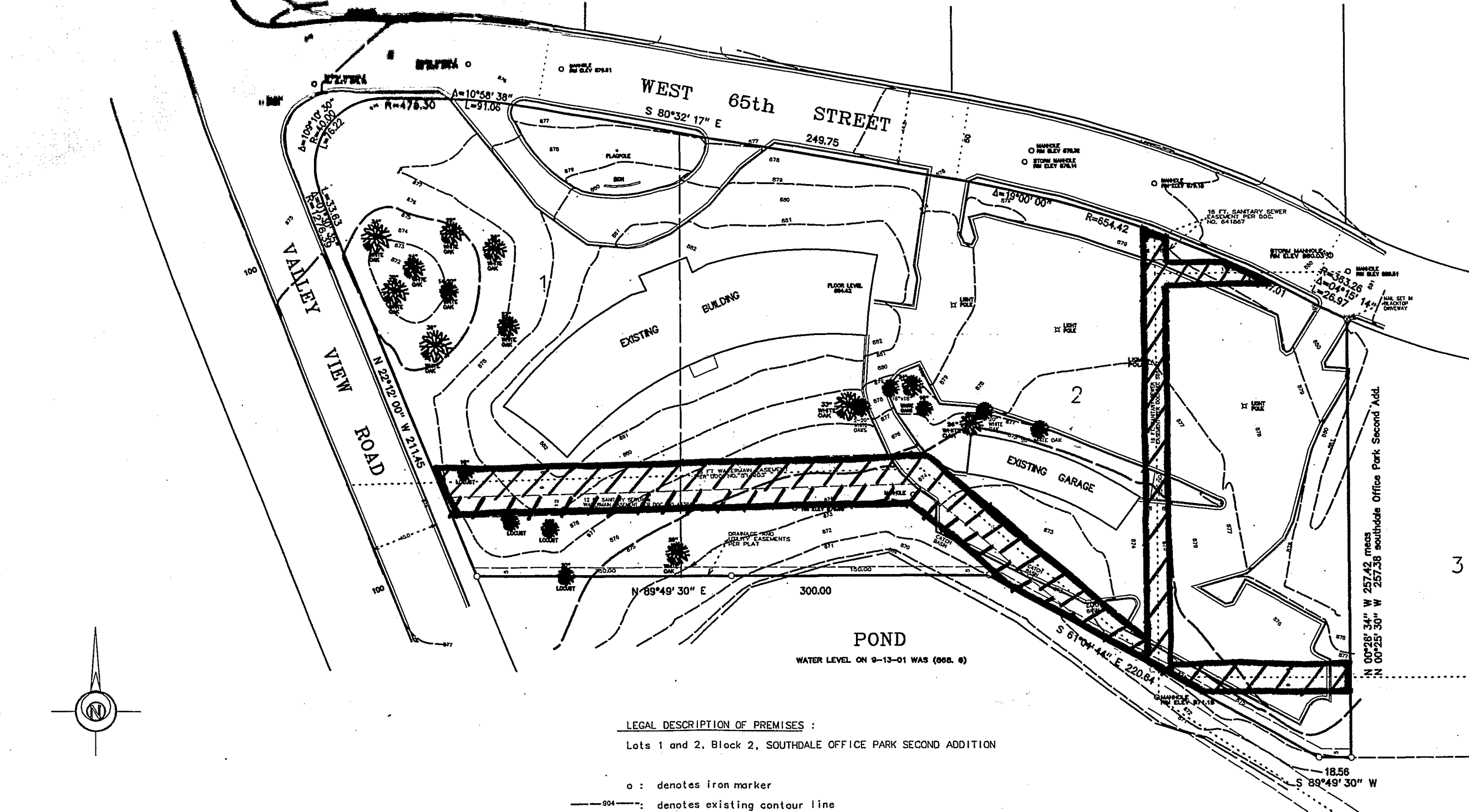
**III : ESMTS BEING VACATED**

**GRONBERG & ASSOCIATES, INC.**  
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS  
 445 N. WILLOW DRIVE LONG LAKE, MN 55356  
 PHONE: 952-473-4141 FAX: 952-473-4455



DATE	BY	REVISIONS	CHECKED	DATE	MIN. LICENSE NUMBER
		DESIGNED			
		DRAWN			
		PTF			
		CHECKED			
		MOE			

**CERTIFICATE OF SURVEY FOR**  
**ROVICK REALTY COMPANY**  
**OF LOTS 1 & 2, BLOCK 2, SOUTHDALE OFFICE PARK SECOND ADDITION**  
**HENNEPIN COUNTY, MINNESOTA**



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**GRONBERG & ASSOCIATES, INC.**  
**CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS**  
**445 N. WILLOW DRIVE LONG LAKE, MN 55356**  
**PHONE: 952-473-4141**



DATE: 8-13-01  
 DRAWN BY: JGR  
 CHECKED BY: JGR  
 DATE: 01-30-01

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER AND LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

REVISIONS	DATE	BY	REMARKS

**SUN**  
**newspapers**  
**AFFIDAVIT OF PUBLICATION**

STATE OF MINNESOTA)

ss.

COUNTY OF HENNEPIN)

Gene Carr, being duly sworn on an oath states or affirms, that he is the publisher of the newspaper known as Sun-Current, and has full knowledge of the facts stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minn. Stat. §331A.02, §331A.07, and other applicable laws, as amended.

(B) The printed public notice that is attached was published in the newspaper once each week, for two successive weeks; it was first published on Wednesday, the 1 day of May, 2002, and was thereafter printed and published on every Wednesday to and including Wednesday, the 8 day of May, 2002; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

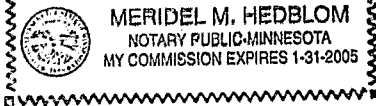
abcdefghijklmnopqrstuvwxyz

BY: [Signature]

President and Publisher

Subscribed and sworn to or affirmed before me  
on this 8 day of May, 2002.

[Signature]  
Notary Public



**RATE INFORMATION**

- |  |                         |
|--|-------------------------|
| (1) Lowest classified rate paid by commercial users for comparable space | \$ <u>2.85 per line</u> |
| (2) Maximum rate allowed by law  | \$ <u>6.20 per line</u> |
| (3) Rate actually charged  | \$ <u>1.40 per line</u> |

City of Edina

(Official Publication)  
CITY OF EDINA  
4901 WEST 50TH STREET  
EDINA, MINNESOTA 55424  
NOTICE OF PUBLIC HEARING ON  
VACATION OF UTILITY EASEMENTS  
IN THE CITY OF EDINA  
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on May 21, 2002, at 7:00 P.M. in the Council Chambers at 4901 West 50th Street for a public hearing for the proposed vacation of the following described utility easements:

**UTILITY EASEMENTS TO BE VACATED**

1. That part of the easement for utilities filed as Document No. 453941 which lies within Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
2. That part of the easement for utilities filed as Document No. 514203 which lies within Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
3. That part of the easement for sanitary sewer filed as Document No. 586307 which lies within Lot 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
4. That part of the easement for sanitary sewer filed as Document No. 641867 which lies within Lot 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.

All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL  
Jebra A. Mangen, City Clerk  
Dated: April 16, 2002

(May 1 & 8, 2002)D2/Easements



## **NOTICE OF CHANGE IN**

## **MEETING DATE**

The date of the public hearing for the Vacation of Utility Easements – Lots 1 & @ Block 2, Southdale Office Park Addition is Tuesday, June 4, 2002, 7:30 P.M. Edina City Hall Council Chambers, 4801 West 50<sup>th</sup> Street.

**The Edina City Council Will Not Meet**

**Tuesday, May 21, 2002**

**Questions – Call Debra Mangen, City Clerk 952-826-0408**

Point of France  
6566 France Avenue  
Edina, MN 55435

4005 Partnership  
4005 W 65<sup>th</sup> Street  
Edina, MN 55435

4010 Corporation  
1945 Old Shakopee Road W B-1  
Bloomington, MN 55431

City of Edina  
4801 West 50<sup>th</sup> Street  
Edina, MN 55424

Fairview Hospital & Health Care  
2313 South 6<sup>th</sup> Street  
Minneapolis, MN 55454-1395

John O. Murrin  
5506 Lakeview Drive  
Edina, MN 55424

Rovick Realty Company  
4015 West 65<sup>th</sup> Street  
Edina, MN 55435

*Called Craig Alshouse  
3:00 Mon 5/20/02*

City of Edina  
4801 West 50<sup>th</sup> Street  
Edina, MN 55424





City Of Edina, Minnesota

DEPARTMENT OF ADMINISTRATION

4801 West 50<sup>th</sup> Street, Edina, Minnesota 55424-1394

Phone ☐ (612) 927-8861 TDD ☐ (612) 826-0379 Fax ☐ (612) 826-0390

## STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: Utility Easement Southdale Office Park 2<sup>nd</sup> Addn.

City Engineer by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Reliant by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Xcel Energy by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Time Warner Cable by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Qwest by <u>JAMIE MCINTYRE</u>	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input checked="" type="checkbox"/> Conditional

Conditions: A QWEST CURRENTLY HAS A 300 PAIR BURIED CABLE.

Location: RUNNING EAST TO WEST ALONG THE SOUTH RIGHT OF WAY OF W 65<sup>th</sup> ST.  
THIS CABLE ENDS AT A PEDESTAL ON THE PROPERTY.

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk  
 City of Edina  
 4801 W. 50<sup>th</sup> Street  
 Edina, MN 55424  
 Telephone: 826-0408  
 Fax: 826-0390

*SPoke to JAMIE -  
 THEIR CABLES ARE IN THE  
 ROW & VACATION IS ACCEPTABLE.  
 Wayne Haul  
 7:33 AM 5/17/02*

FACSIMILE COVER SHEET



QWEST COMMUNICATIONS  
6244 CEDAR AVENUE SOUTH  
RICHFIELD, MINNESOTA 55423

FROM: JAMIE MCINTYRE

PHONE: 612- 861-8782

FAX: 612-861-8173

DATE: 05/03/2002

COVER SHEET PLUS 1 PAGE(S)

PLEASE DELIVER TO:

CITY CLERK - CITY OF EDINA

FAX NUMBER: 752 826 0390

NOTES



City Of Edina, Minnesota

DEPARTMENT OF ADMINISTRATION

4801 West 50<sup>th</sup> Street, Edina, Minnesota 55424-1394

Phone ☐ (612) 927-8861 TDD ☐ (612) 826-0379 Fax ☐ (612) 826-0390

**STREET AND/OR EASEMENT VACATION REVIEW**

Proposed Property/Area To Be Vacated: Utility Easement Southdale Office Park 2<sup>nd</sup> Addn.

City Engineer by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Reliant by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Xcel Energy by *Karen Weaver* ☐ Acceptable ☐ Opposed ☒ Conditional

Time Warner Cable by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Qwest by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions: Northern States Power Company, d/b/a Xcel Energy, hereby  
reserves rights for existing underground electric distribu-  
tion facilities located within the subject easement areas  
for utilities filed as Document No. 453941 and 514203.

Location: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk  
City of Edina  
4801 W. 50<sup>th</sup> Street  
Edina, MN 55424  
Telephone: 826-0408  
Fax: 826-0390



414 Nicollet Mall  
Minneapolis, Minnesota 55401-1993

7 May 2002

Debra Mangen, City Clerk  
City of Edina  
4801 West 50<sup>th</sup> Street  
Edina, Minnesota 55424

Re: Vacation of Utility Easement(s)  
Southdale Office Park Second Addition

Dear Ms. Mangen:

This communication is in response to the above-referenced proposed vacation. Attached please find our Vacation Review form.

If you have any questions regarding our conditional response, please feel free to contact me at 612-330-6241.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen C. Weaver'.

Karen C. Weaver GO-7  
Siting and Land Rights

KCW/s  
Enc.



City Of Edina, Minnesota

DEPARTMENT OF ADMINISTRATION

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## STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: Utility Easement Southdale Office Park 2<sup>nd</sup> Addn.

City Engineer by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Reliant by Steve VanBuren ☒ Acceptable ☐ Opposed ☐ Conditional

Xcel Energy by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Time Warner Cable by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Qwest by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions: \_\_\_\_\_

Location: \_\_\_\_\_

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk  
City of Edina  
4801 W. 50<sup>th</sup> Street  
Edina, MN 55424  
Telephone: 826-0408  
Fax: 826-0390



PAID APR 22 2002

City Of Edina, Minnesota  
DEPARTMENT OF ADMINISTRATION

4801 West 50<sup>th</sup> Street, Edina, Minnesota 55424-1394  
Phone ☐ (612) 927-8861 TDD ☐ (612) 826-0379 Fax ☐ (612) 826-0390

**PUBLIC RIGHT OF WAY VACATION APPLICATION**

Applicant ROVICK REALTY COMPANY  
Print Name

Address 90 CRAIG ALSHOUSE 1300 WILLOWBROOK DRIVE WAYZATA, MN 55391  
Street City/State Zip

Telephone No. 763-473-6414 (CRAIG) Fax No. \_\_\_\_\_

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way pursuant to M.S. 412.851 and Edina Code Section 820:

☐ Street ☐ Alley ☒ Utility Easement  
☐ Drainage Easement ☐ Other \_\_\_\_\_

Legal description of the area proposed to be vacated:

SEE ATTACHED  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water?

☐ Yes ☒ No

**Please note if the area requested to be vacated terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition is served by certified mail upon the commissioner of natural resources by the City of Edina thirty days before any Council action.**

- Attach a copy of a scaled drawing showing in full detail the area proposed to be vacated.
- Include the vacation fee of \$330.00 with your application.

THE MINNESOTA DATA PRACTICES ACT requires that we inform you of your rights about the private data we are requesting on this form. Private data is available to you, but not to the public. We are requesting this data to determine your eligibility for a license from the City of Edina. Providing the data may disclose information that could cause your application to be denied. You are not legally required to provide the data, however, refusing to supply the data may cause your license to not be processed. Under MS 270.72, the City of Edina is required to provide the Minnesota Department of Revenue your MN Tax ID Number and Social Security Number. The Department of Revenue may supply information to the Internal Revenue Service. In addition, this data can be shared by Edina City Staff, Department of Public Safety, Hennepin County Auditor, Bureau of Criminal Apprehension, Hennepin County Warrant Office, Ramsey County Warrant Office and other persons or entities deemed necessary for verification of information submitted in the application. Your signature on this application indicates you understand these rights.

I request that my residence address and telephone number be considered private data. My alternative address and telephone number are as follows:

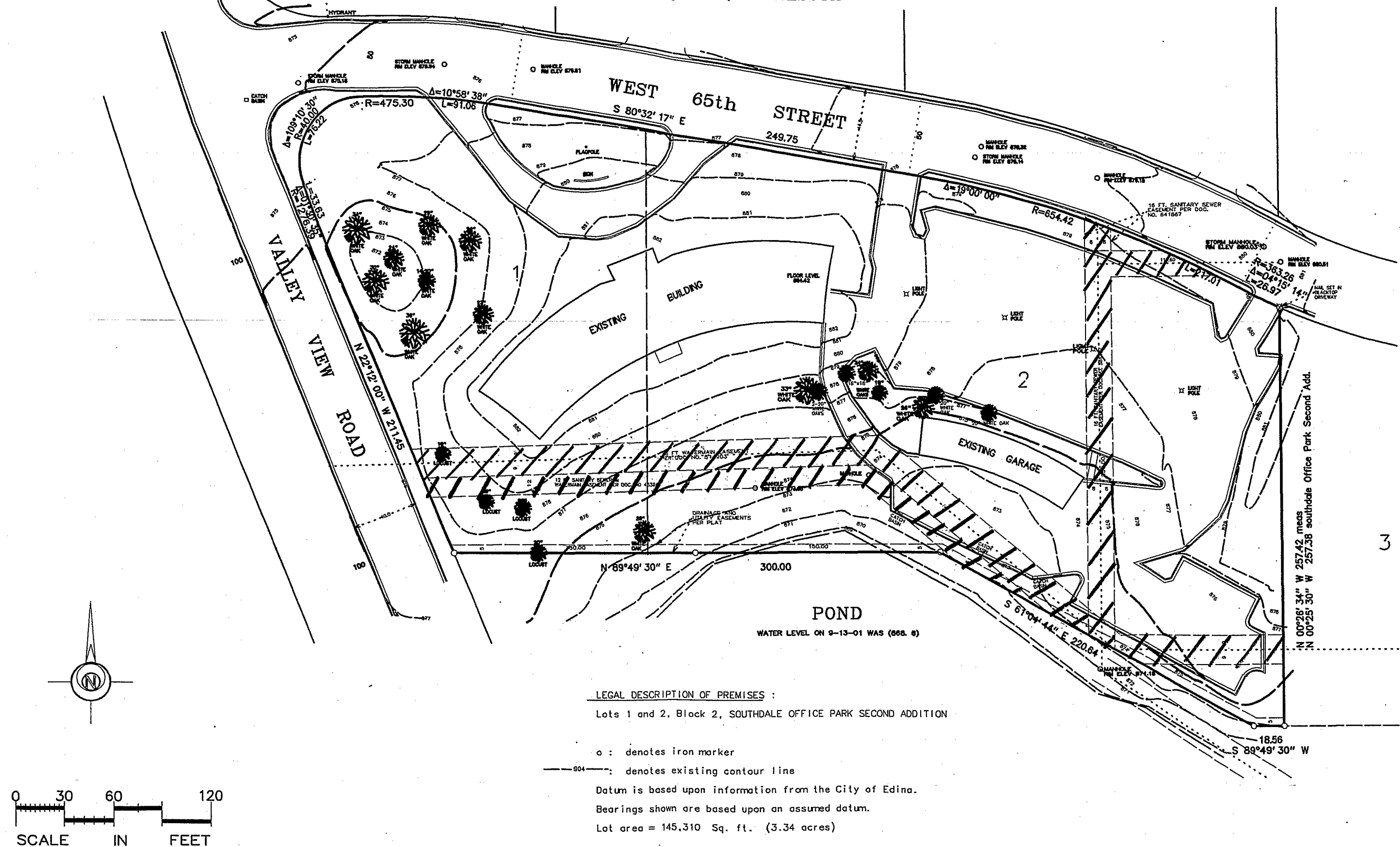
Address \_\_\_\_\_ Telephone Number \_\_\_\_\_

Date Initiated 3-28-02 Signature [Signature]

4-9-02 Called Craig A. left  
message requesting  
drawing of proposed easement  
& reduced version of  
Reproducible  
vacated easements.

4-10-02 Mark Grunberg  
called will forward  
Reproducible drawing  
by 4-11-02

CERTIFICATE OF SURVEY FOR  
**ROVICK REALTY COMPANY**  
 OF LOTS 1 & 2, BLOCK 2, SOUTHDALE OFFICE PARK SECOND ADDITION  
 HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION OF PREMISES :

Lots 1 and 2, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION

o : denotes iron marker

---804---: denotes existing contour line

Datum is based upon information from the City of Edina.

Bearings shown are based upon an assumed datum.

Lot area = 145,310 Sq. ft. (3.34 acres)

This survey shows the boundaries of the above described property, the location all existing buildings, parking areas and elevations, adjoining streets and easements as listed in Chicago Title Insurance Company Commitment No. 338391 dated August 13, 2001. It does not purport to show any other improvements or encroachments.

**III** : ESMTS BEING VACATED

**GRONBERG & ASSOCIATES, INC.**  
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS  
 445 N. WILLOW DRIVE LONG LAKE, MN 55356  
 PHONE: 952-473-4141 FAX: 952-473-4485



DATE 9-13-01  
 DRAWN BY [signature]  
 CHECKED BY [signature]  
 MINN. LICENSE NUMBER [blank]  
 DATE [blank]

REVISIONS	DATE	BY	REMARKS





City Of Edina, Minnesota

DEPARTMENT OF ADMINISTRATION

4801 West 50<sup>th</sup> Street, Edina, Minnesota 55424-1394

Phone ☐ (612) 927-8861 TDD ☐ (612) 826-0379 Fax ☐ (612) 826-0390

**STREET AND/OR EASEMENT VACATION REVIEW**

**Proposed Property/Area To Be Vacated:** Utility Easement Southdale Office Park 2<sup>nd</sup> Addn.

City Engineer by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Reliant by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Xcel Energy by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Time Warner Cable by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Qwest by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk  
City of Edina  
4801 W. 50<sup>th</sup> Street  
Edina, MN 55424  
Telephone: 826-0408  
Fax: 826-0390

STATE OF MINNESOTA)  
COUNTY OF HENNEPIN) SS  
CITY OF EDINA )

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date May 10, 2002, acting on behalf of said City I deposited in the United States mail copies of the attached: Vacation Area Map, plus letter explaining the vacation enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of 10 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

WITNESS my hand and seal of said City this 10<sup>th</sup> day of May, 2002.

  
Edina City Clerk

Easement Vacation Mailing List Mailed May 5, 2002

Point of France  
6566 France Avenue  
Edina MN 55435

4005 Partnership  
4005 W 65<sup>th</sup> Street  
Edina, MN 55435

4010 Corporation  
1945 Olak Shakopee Rd W B-1  
Bloomington, MN 55431

City of Edina  
4801 W 50<sup>th</sup> Street  
Edina, MN 55424

Fairview Hospital &  
Health Care  
2312 S 6<sup>th</sup> Street  
Minneapolis, MN 55454-1395

John O. Murrin  
5506 Lakeview Drive  
Edina, MN 55424

Rovick Realty Company  
4015 W 65<sup>th</sup> Street  
Edina, MN 55435

City of Edina  
4801 W 50<sup>th</sup> Street  
Edina, MN 55424

(Official Publication)  
CITY OF EDINA  
4801 WEST 50<sup>TH</sup> STREET  
EDINA, MINNESOTA 55424  
NOTICE OF PUBLIC HEARING ON  
VACATION OF UTILITY EASEMENTS  
IN THE CITY OF EDINA  
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on May 21, 2002, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a public hearing for the proposed vacation of the following described utility easements:

UTILITY EASEMENTS TO BE VACATED

1. That part of the easement for utilities filed as Document No. 453941 which lies within Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
2. That part of the easement for utilities filed as Document No. 514203 which lies within Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
3. That part of the easement for sanitary sewer filed as Document No. 586307 which lies within Lot 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.
4. That part of the easement for sanitary sewer filed as Document No. 641867 which lies within Lot 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.

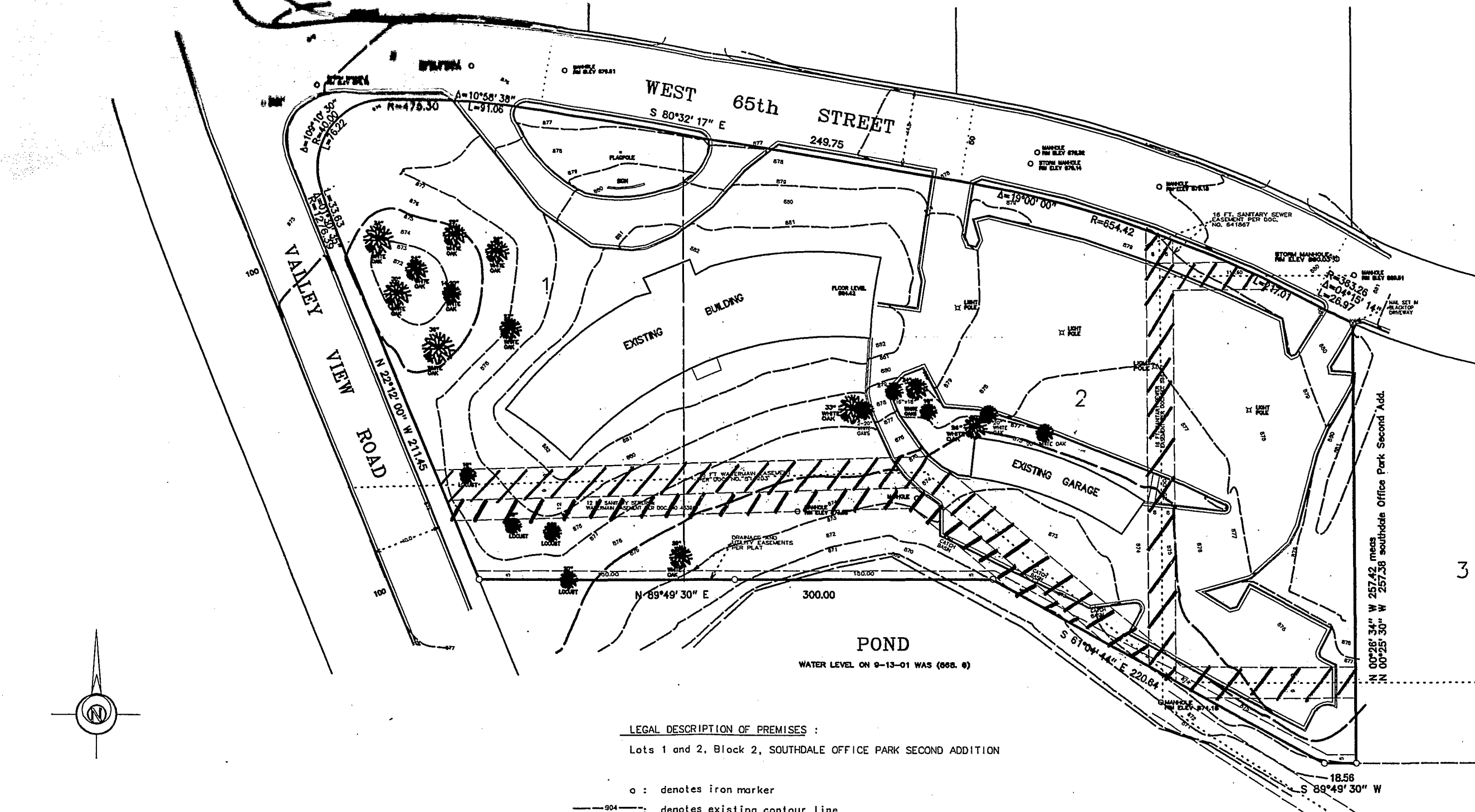
All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL  
Debra A. Mangen, City Clerk

Dated: April 16, 2002

To be published in the Edina Sun Current Wed., May 1 and Wed., May 8, 2002.  
Bill to Edina City Clerk  
Send two affidavits of publication

**CERTIFICATE OF SURVEY FOR**  
**ROVICK REALTY COMPANY**  
 OF LOTS 1 & 2, BLOCK 2, SOUTHDAL E OFFICE PARK SECOND ADDITION  
 HENNEPIN COUNTY, MINNESOTA



**LEGAL DESCRIPTION OF PREMISES :**

Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION

o : denotes iron marker

— 904 — : denotes existing contour line

Datum is based upon information from the City of Edina.

Bearings shown are based upon an assumed datum.

Lot area = 145,310 Sq. ft. (3.34 acres)

This survey shows the boundaries of the above described property, the location of all existing buildings, parking areas and elevations, adjoining streets and easements as listed in Chicago Title Insurance Company Commitment No. 338391 dated August 13, 2001. It does not purport to show any other improvements or encroachments.

**III : ESMTS BEING VACATED**

**GRONBERG & ASSOCIATES, INC.**  
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS  
 445 N. WILLOW DRIVE LONG LAKE, MN 55356  
 PHONE: 952-473-4141 FAX: 952-473-4435

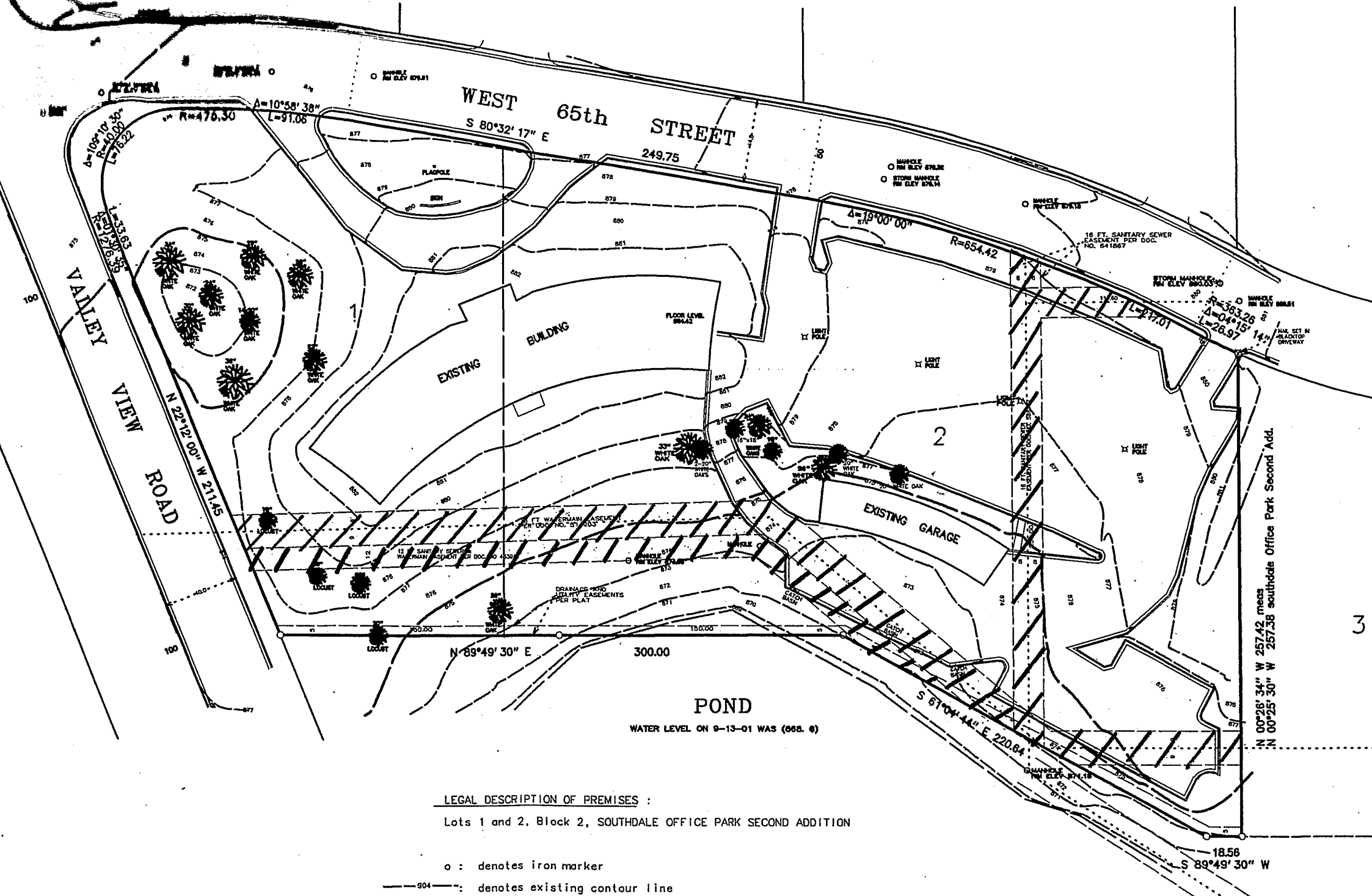
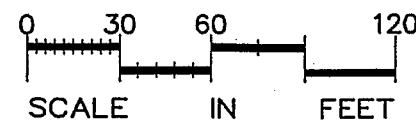
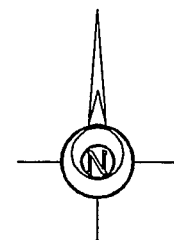


DATE: 01-30-01  
 DRAWN: PFR  
 CHECKED: MGS  
 MIN. LICENSE NUMBER: \_\_\_\_\_

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER AND LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

REVISIONS	DATE	BY	REMARKS

CERTIFICATE OF SURVEY FOR  
**ROVICK REALTY COMPANY**  
 OF LOTS 1 & 2, BLOCK 2, SOUTHDAL E OFFICE PARK SECOND ADDITION  
 HENNEPIN COUNTY, MINNESOTA



**LEGAL DESCRIPTION OF PREMISES :**

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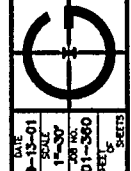
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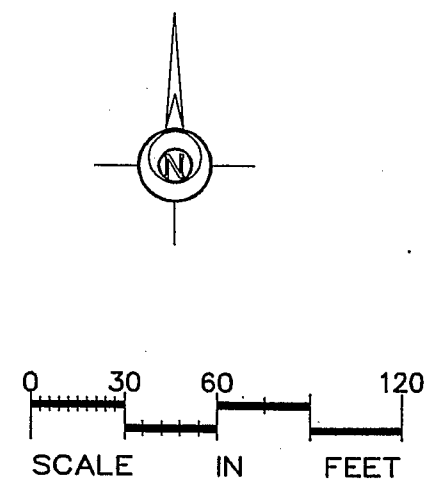
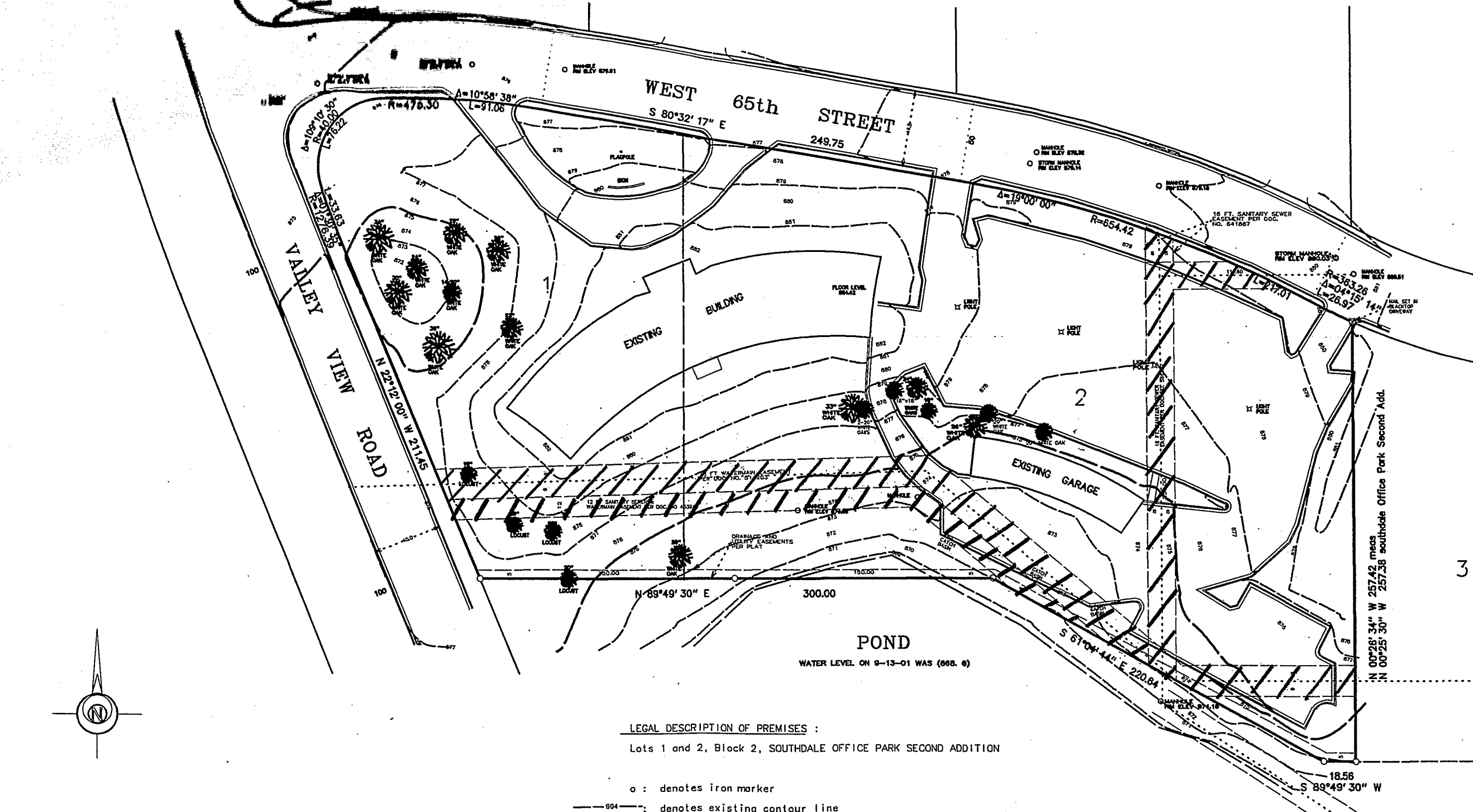


I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DESIGNED \_\_\_\_\_ DATE \_\_\_\_\_  
 DRAWN \_\_\_\_\_  
 CHECKED \_\_\_\_\_  
 MGS \_\_\_\_\_

REVISIONS	DATE	BY	REMARKS

**CERTIFICATE OF SURVEY FOR**  
**ROVICK REALTY COMPANY**  
**OF LOTS 1 & 2, BLOCK 2, SOUTHDALe OFFICE PARK SECOND ADDITION**  
**HENNEPIN COUNTY, MINNESOTA**



**LEGAL DESCRIPTION OF PREMISES :**  
 Lots 1 and 2, Block 2, SOUTHDALe OFFICE PARK SECOND ADDITION

o : denotes iron marker  
 --- 604 --- : denotes existing contour line  
 Datum is based upon information from the City of Edina.  
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 445 N. WILLOW DRIVE LONG LAKE, MN 55356  
 PHONE: 952-473-4141 FAX: 952-473-4485

DATE	BY	REVISIONS	CHECKED	DATE	DATE	DATE	DATE	DATE	DATE
11-13-01	MS	1	MS	11-13-01	11-13-01	11-13-01	11-13-01	11-13-01	11-13-01